

100-70-00000  
7 August 1970

MEMORANDUM FOR: John M. Maury

SUBJECT : Comments on "Peace Through Law" Paper

For what it may be worth, if anything:

a. Page 3. Since "open sources" are mentioned, I wonder why State Department cables, dispatches, etc., are not listed - also Defense Department input of similar kind.

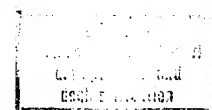
b. Page 5, top. Footnoting is not discouraged. Respecting the underlined sentence, I fear that the suspicion expressed is justified.

c. Page 6, Recommendation 5. This is silly. Congressmen should be able to recognize "inter-service parochialisms." Besides, it has sometimes turned out that the majority position was wrong and the "service" position correct.

d. Page 6, Recommendation 6. The Board of Estimates has two non-intelligence, non-government, members (technically they are Consultants) each of whom spends about three or four months a year on the Board [REDACTED]. It also has a panel of about 15 Consultants, most of them university professors, which meets twice a year to comment on finished estimates and advise on those which at the time of meeting are in preparation. One or another of these Consultants occasionally visits the office, between panel meetings, to discuss a particular paper or problem. Incidentally, most Board members, though of long service in intelligence, came to that profession from non-governmental work.

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e. Page 7. Respecting objectivity: no doubt each member of the Board of Estimates, and each Consultant, has his individual predilections, convictions, and special knowledge. Yet the Board as a corporate body has no interest in either defending or attacking any governmental policy or departmental budget. Its judgments are frequently at variance with those of other intelligence agencies and of other elements of the CIA itself. It does not believe that its credibility depends upon reaffirming previous judgments. It proceeds by attacking each National Intelligence Estimate anew, listening to all the argument and data currently available, and delivering an opinion, with supporting evidence, as best it can, together with such alternative interpretations as seem to it worth consideration.

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Director  
National Estimates

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## ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

EXTENSION

NO.

Legislative Counsel

7D35

4151

DATE

6 August 1970

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

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FORWARDED

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Attached is the "Peace Through Law" Committee paper sent over by Senator Goldwater on which the Director would like comments. Would appreciate your thoughts on recommendation six page 6 on inclusion of nonintelligence and non-Government representatives on the board (I should think one answer would be to call attention to our outside panels and consultants). Would also be happy to hear from you on any other points on which you care to comment.

JOHN M. MAURY  
Legislative Counsel

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## INTELLIGENCE AND POLICY


### SUMMARY

The President is fed information by the Central Intelligence Agency, the National Security Council, the State Department, and the Defense Department, as well as by his own personal advisors. This information comes from four sources: the first, the most important, is the open press and technical magazines of the world; second, satellite reconnaissance; third, technical sources such as radio and radar interception; and fourth, human sources such as defectors. The information gained from these various sources is filtered by intelligence officers and fed into the network which eventually supplies it to the President. The President then can release the information as he chooses, whether to Congress, the press, or the general public. In the case of Congress, it is only a very select number of Members who actually get the information.

### RECOMMENDATIONS

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NO

1. There should be a drastic curtailment of covert action programs and personnel.
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3. Information obtained by satellites in earth resources fisheries, forestry, and crop management fields should be declassified and shared with competent scientists worldwide.

4. A joint Congressional Committee on Intelligence should be drawn up with representation from the Armed Services and Foreign Relations Committees of both Houses.

5. There should be an official Congressional inquiry regarding the use of intelligence data to justify US weapons development programs.

*end of Value -*

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Intelligence and Policy.....2

## ASSESSMENT AND PRESENTATION OF THE THREAT

*IN ROWS*

The way in which developments abroad are perceived, evaluated, and presented is directly linked to the kinds of policy alternatives drawn from them. Ultimately it is the President who determines the degree and form of the response. But prior to his decision there occurs a highly complex and extensive information gathering and analyzing process to determine the factual data necessary to make such a decision. When developments abroad are perceived to pose a possible threat to our national security, the President calls upon the Central Intelligence Agency (CIA), The National Security Council, State and Defense Department officers, and his advisors to evaluate the potential of such a threat. For the most part, the press, public opinion, and Congress are neither consulted nor considered in situations which require an immediate response. But while Congress has played only a minor role in the formulation of military strategy, its influence may be substantial in developing and revising defense postures, which are inextricably woven to decisions on national security.

## Focus

The focus of this paper is two-fold: first, to examine the methods of collecting and evaluating intelligence data; and second, to determine the impact of this data on Congress and the Executive.

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## SOURCES OF INTELLIGENCE

### STATSPEC

Intelligence information is collected worldwide, falling in four major categories. (1) Open sources such as newspapers, periodicals, translated foreign literature and radio

observation of military construction, infrastructure, communications, military deployments. (3) Technical collection techniques: Intercept of signals, electronic emissions, communications, plus radar and OHD data on missile and space events (4) Human resources such as defectors, agents in place, interviews with selected travelers, immigrants.

The bulk of intelligence data still comes from open sources but satellite and technical collection products are increasing in quality and value, particularly with regard to military intelligence. Human resources overall have declined in importance.

## THE INTELLIGENCE FLOW

Intelligence data is collected initially at many sites, ground stations, aircraft, ships, and then transmitted by secure means to intelligence processing centers in the United States. Theoretically, the Central Intelligence Agency is the central repository for all intelligence inflow. In practice, however, duplicate copies of most incoming cables also flow to the National Security Agency (NSA), Defense Intelligence Agency (DIA), Department of State's Intelligence and Reports (INT) and the intelligence components of Army, Navy and the Air Force. This information is analyzed by departmental and regional specialists and compared with collateral sources for reliability.

#### Intelligence and Policy....4

For security reasons, each intelligence agency is compartmented into numerous divisions, each restricted to certain types of information. Under the principle of "need to know" only information relevant to a specific responsibility is released to any one person. Access to information in other channels of flow is strictly regulated. Every document bears a classification and control, the classification being the highest level of information involved, the control being a restriction about who has access to the information.

#### INTELLIGENCE PRODUCTS

Intelligence products are distinguished by time period, subject, and consumer.

CURRENT: Each day, the President receives a personalized brief of world events gathered from all sources, open and clandestine. The Secretary of Defense, Secretary of State and a small number of other officials receive a similar slightly expanded document. A rather large group of lower officials receive a document at a lower classification. Longer articles than those "briefs" often are included in weekly wrapups.

SPECIALIZED: In-depth analysis of particular subjects such as Vietnam or missile and space data often are distributed independently of the daily brief. Each major component of intelligence agencies generally tries to produce its own intelligence product, at the highest classification permitted, a symptom of inter and intra agency rivalry.

NATIONAL INTELLIGENCE ESTIMATES: National Intelligence Estimates (NIEs) are produced by a 14-odd man Board of National Estimates of the CIA. Board members generally are veteran intelligence officers with areas of specialization. Estimates from the Board are presented to the United States Intelligence Board (USIB), comprised of representatives from CIA, DIA, NSA, I&R, intelligence components of AEC, FBI, Army, Navy, and the Air Force, the latter three non voting. It is chaired by the Director of Central Intelligence.

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Some estimates are periodic, for example, yearly estimates of the capabilities and intentions of Soviet strategic weapons programs. Other assess political conditions in strategic regions or countries. Most nations are covered, though not all every year. On occasion, at the request of the President, or USIB, special quick NIEs (SNIEs) are drawn up to meet pressing conditions.

The NIE is succinct, with conclusions always presented first. In order for the NIE to be accepted by USIB, there must be unanimous consent as to the presentation and conclusions. When views differ and cannot be reconciled, a USIB representative can take a footnote, stating his reservations. Footnoting is discouraged but occurs fairly frequently in military and political estimates. Footnoting, it is suspected, has been used by the Army, Navy, and Air Force to retain specific threat evaluations which justify current or proposed funding programs.

OTHER INTELLIGENCE FUNCTIONS

*Probe*  
In addition to regular intelligence gathering, intelligence agencies engage in certain covert activities. This refers to popularized versions of CIA sponsored revolutions, and other programs which are not to be identified with the U.S. Government. Covert action programs are not self initiated. A small committee including the President, Secretary of State, Secretary of Defense, Director of Central Intelligence and at times a presidential foreign policy or national security advisor, directs covert action programs. While little is known about the operation of this committee, covert action programs appear to be sanctioned where attribution to the U.S. Government is not acceptable. There is a tendency for some of these programs to be expensive in terms of resources and image. The Bay of Pigs clearly demonstrated that the CIA could not coordinate large scale covert action programs. JFK

Two other intelligence functions deserve mention. (1) Counter-intelligence operations are employed domestically and abroad to defend against penetration by other intelligence units. Foreign counter-intelligence operations generally are run by the CIA and military components while domestic operations are the prerogative of the FBI. Cooperation between the FBI and CIA is quite close, however, and some overlap of jurisdiction occurs. (2) U.S. intelligence agencies exchange liaison personnel with other friendly intelligence agencies, notably the Commonwealth nations.



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## INTELLIGENCE ASSESSMENT AND DECISION MAKING

Paramount in the evaluation of intelligence is the role of the CIA. The concern here is how, and to what extent, does the CIA depart from its presumed objective, data analyzing function and enter into the realm of policy making. Of particular concern is the question: To what extent is the evaluation process governed by selective perception and biased ideological or political beliefs? While the answer is impossible to determine, it would be foolish to discount these factors as insignificant. Another, equally crucial question, pertains to the presentation of intelligence data to the President. Are these facts placed in their proper perspective, thereby providing for high level policy decisions affecting our national security? The problem here is that new intelligence data presented to the President may often be inconsistent with previously submitted data, but the reason may be to bear out the old data. In other words, conflicting data would undermine the position of the intelligence officer, particularly when a policy decision has been formulated based on the old data. By determining what information the President will see, the intelligence officer plays an integral role in policy making.

The contention here is that the President does not always receive an unbiased interpretation of the facts germane to a decision on national security. As stated earlier, this problem stems in part from the CIA functioning as a body protecting its own credibility. In addition, given the nature of the decision-making process, one could assume that a friendly competition exists among the President's advisors (civilian and military, professional and independent) on national security, with the goal being maximum consideration of a party's views. This calls to attention the problem of whether the President actually makes the decisions, or merely selects from those already made by his advisors.

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In a situation such as this, whereby the President relies upon advice which may be significantly subjective, there is a clearly defined need for Congress to become involved in matters pertaining to national security. As the assessment of a military threat initiated and concluded with a personal perception of the situation, there is valid cause to broaden the group responsible for determining who or what constitutes a threat. The more responsible people (from diverse backgrounds) that can be drawn into this process, the less chance there is that the final evaluation will be based on value judgements, political or ideological bias, or self-fulfilling prophecies (as national intelligence estimates may often be.)

Congress as a whole is ill suited to deal with matters affecting national security. For one thing, the problems of maintaining security within so large a body are enormous. For another, regional interests and political allegiances may inhibit members' ability to objectively assess these matters. Nonetheless, the responsibility to evaluate national intelligence estimates should be extended to Senators and Congressmen other than members of their respective Armed Services Committees, which have access to some of these data. Criticism has been raised that these committee members have neither been responsive to nor representative of the Congress as a whole, thus precluding the broad spectrum of opinion deemed necessary. Moreover, while national security matters usually involve the military, there is often a spill-over into the realm of foreign policy. In considering problems where a sound knowledge of international affairs is important, it would be wise to draw upon the expertise of members of the Foreign Relations Committee

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## CONGRESS AND INTELLIGENCE ASSESSMENT

As evidenced by the ever growing debate - both within and outside of the Federal Government - over the need for strategic weapons and defense systems, there is an apparent need for Congress to become directly involved in the processes in which strategy is formulated so as not to have such a crucial problem resolved before there is too little time for consideration.

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RECOMMENDATION: JOINT CONGRESSIONAL COMMITTEE ON INTELLIGENCE

With these considerations in mind, a strong case can be made for establishing a Joint Congressional Committee on Intelligence. Participants would include selected members of the Armed Services and Foreign Relations Committees as well as a few members chosen from Congress at large. Ideally, such a committee would be co-chaired by representatives from each of the two committee types.

X The committee's functions could range from reviewing intelligence data to serving as an official liaison for Congress with the National Security Council. It might also be used to reconcile U.S. strategic plans with foreign policies. Considering the mounting criticism of CIA activities in the last decade, a Congressional watchdog committee could add insurance that intelligence operations do not interfere with, or undermine non-strategic interest activities such as foreign aid and educational programs abroad. This could reduce the ways in which covert intervention in the affairs of other countries might pose ethical or political problems. And by matching intelligence information with press reports, independent observations, and classified briefings, Congress would be gathering data from diverse sources. As a result, Congress would be aware of possible conflicting intelligence reports, and would also benefit by receiving data from various perspectives.

If these committee functions were to be properly carried out, the danger of an intelligence officer becoming a policy maker could be minimized. It should be made clear however, that the purpose of an Intelligence Committee is not to manage the affairs of the CIA or any of the other intelligence agencies. Lack of experience in this area and the complexity of the organization render such a task impossible. In any case, the administrative functions of the intelligence agency is not in question here. The CIA in some areas has performed its tasks with an extraordinary amount of expertise. What is being questioned is the objectivity of the information presented to the President. And the underlying assumption here is that which isn't objective is not necessarily the result of deliberate or conscious efforts. 2

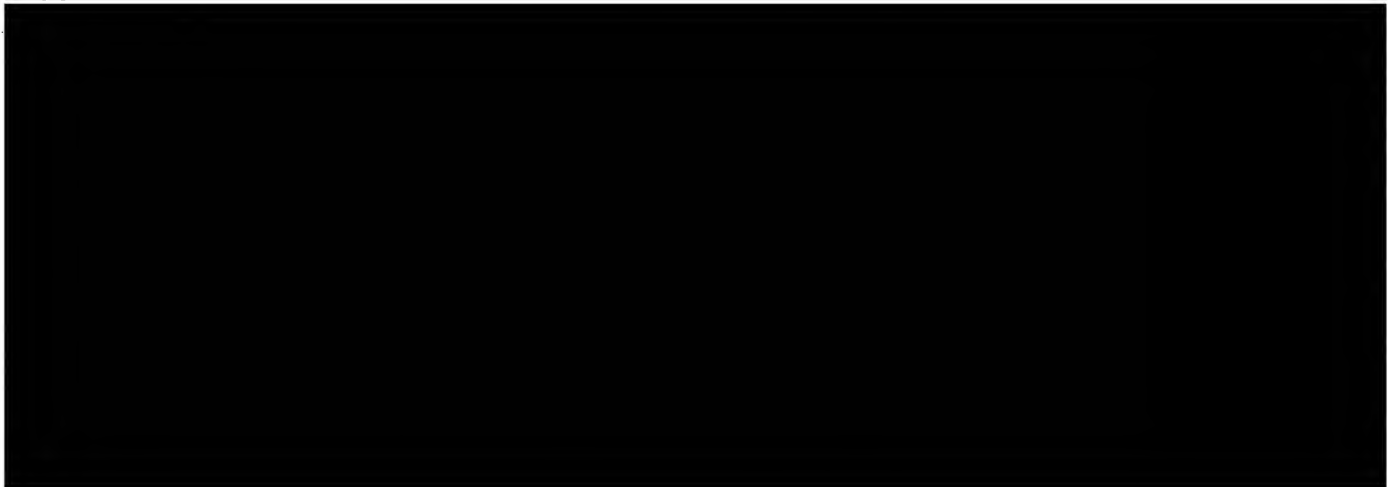
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The creation of a Joint Committee on Intelligence would not undermine the jurisdiction of the Armed Services Committees. On the contrary, it could complement the work of the committees by providing them with information on the need for strategic military weapons and for the maintenance of forces in certain sensitive areas.

History has demonstrated that a misperception of a potential threat has provoked a misuse of force. In such cases, the effect has been to undermine the government's position in international affairs and to precipitate dissension at home. Broadening the assessment would not only strengthen our foreign policy, but would also enable us to formulate a more realistic appraisal of our defense postures and strategic concerns.



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